IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 36921 of 2007(U)

PETITIONER:

ROY MATHEW, AGED 38 YEARS, S/O. MATHEW,
RAMACHANATTU HOUSE, CHERPUMGAL P.O.,
KIDANGOOR, PALAI, KOTTAYAM DISTRICT.

BY ADV. SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G

RESPONDENTS:

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1. STATE OF KERALA, REP. BY ITS
SECRETARY, MINING AND GEOLOGY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM.

3. THE TAHSILDAR,
MEENACHIL TALUK, MINI CIVIL STATION,
PALAI, KOTTAYAM DISTRICT.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME RECORDS BUREAU, KOTTAYAM.

5. SUB INSPECTOR OF POLICE,
KIDANGOOR POLICE STATION, KIDANGOOR P.O.

BY GOVT. PLEADER SRI I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C) 36921 of 2007

Dated: December 13, 2007

JUDGMENT

A lorry belonging to the petitioner has been seized by the respondents on the allegation that it was engaged in unauthorised transportation of river sand. Petitioner contends that it was ordinary sand and that too purchased by him. Petitioner is relying on Ext.P2 to prove his contention.

2. Be that as it may, at this stage of the proceedings the prayer sought for by the petitioner for release of the vehicle cannot be entertained. In terms of the provisions contained in the Protection of River Banks and Regulation of Removal of Sand Act and Rules, 2002, the matter requires to be referred to the District Collector. It is for the 2nd respondent District Collector to exercise this power and pass orders under Rule 27 of the Rules.

3. Therefore, I dispose of the writ petition directing that the 5th respondent, in whose custody the vehicle is now available, shall forward the records of the case to the 2nd respondent and, on

receipt thereof, the 2nd respondent shall, with notice to the petitioner, pass orders in terms of Rule 27 of the Rules. The 5th respondent shall, within three days of production of a copy of this judgment, forward the case records to the 2nd respondent and, on receipt thereof, the 2nd respondent shall finalise the proceedings in ten days thereafter. In the meanwhile, if the petitioner makes an application for interim relief, the 2nd respondent shall consider that as well.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

mt/-